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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[27 July 1994]

Human Rights Violations in the Sudan

1. The International Federation of Human Rights (IFHR) and the Sudan Human Rights Organisation (SHRO) are deeply concerned by the systematic abolition of all guarantees of protection of human rights in Sudan and by the consequent situation of massive violations of human rights in this country.

The legal framework

2. On 30 June 1989, the Sudanese lost their democracy for the third time. The new regime has established a legal framework of an authoritarian State which has institutionalized the violation of human rights. Constitutional Decree No. 2 abolished the constitution of 1985, dissolved the government and the Constituent Assembly and banned all political parties, trade unions and all other free associations. Constitutional Decree No. 2 has also provided in its article 6 the Declaration of Emergency in all parts of the country. The Declaration of Emergency enables the head of the State and all persons authorized by him to:

(a) Seize and confiscate all land, property, goods and other things without compensation in the public interest;

(b) Seize and confiscate all properties and things suspected of being the subject of violation of law;

(c) Oblige any person to perform military or civil service required for purposes of security;

(d) Terminate the service of any person employed by the State;

(e) Terminate any contract with any public authority;

(f) Arrest any person suspected of threatening political or economic security.

3. The Decree further prohibits any person from political opposition to the National Salvation Revolution, any collective stoppage of work, closure of business or obstruction of public life. It also prevents any political gathering in private or public places. Violation of any provision of the Decree is punishable with a minimum of one year and a maximum of ten years' imprisonment. If the breach amounts to what the regime may construe as conspiracy against the State, punishment can reach the death penalty.

4. The Penal Code of 1991 contains cruel and degrading punishments such as flogging, amputations, stoning to death and gassas (retaliation), "an eye for an eye". The Code also contains the crime of apostasy, which violates freedom of religion. The article could also be used to eliminate political opponents, hence it is drafted in a way that allows wide interpretation. The penalty for apostasy is death.

Human rights violations in the urban areas

5. Those above-mentioned powers were carried out on an unprecedented scale. Countless Sudanese politicians, trade unionists, students, professionals, women, clergymen, Islamic religious leaders and sheiks, military officers and other citizens have been detained since June 1989, and countless others were tortured. Dr. Ali Fadul, 41, a medical doctor, was tortured to death in April 1990. Physical and psychological torture of political detainees became systematic under the current regime. This includes beatings, threats, humiliating physical exercises, rape and sexual harassment. Many

professionals, university teachers, civil servants, army, police and prison officers, as well as workers, were dismissed from their jobs because of their political views. The property of opposition leaders abroad was confiscated.

6. The detention of political opponents or suspected political opponents continues unabated. Political detainees are kept in the various prisons as well as in "ghost houses". Substantial numbers of them are subjected to torture. Mr. Suliman al-Khadir (building contractor) and engineer Sediq Yusuf (63), who were detained in May 1994, were reportedly beaten severely and their testicles were kicked by the security forces. We have no information about the others, but there are reasons to fear that they may be undergoing torture and ill-treatment.

Human rights abuses in the war zones

7. The current Government promised to put an end to the conflict within its first year in power. Five years later, the situation has worsened. Government troops have been indiscriminately bombing and shelling population centres. In 1992 the Sudan People's Liberation Army (SPLA) lay siege to Juba and made two unsuccessful incursions. Repulsing the SPLA attacks, the government forces committed many abuses including detention, torture, summary executions, and forced displacement of the civilian population. After July 1992, the Government displaced over 100,000 civilians living there. It also burned the homes and crops left behind by the civilians, all in violation of the rules of war.

8. Most seriously, the Government frequently denied access to United Nations and international relief agencies which sought to alleviate civilians' hardship. In March 1992, the Government expelled the International Committee of the Red Cross, who had sustained about 100,000 internal refugees.

9. Aerial bombardment continued in 1993. Mundri, which was bombed twice in 1992, was repeatedly bombed in February 1993. In one such raid 12 bombs were dropped, hitting Mundri, Lowei and Amadi. The market area in Kajo Kaji was bombed during the same month and 17 civilians were killed.

10. The Government's indiscriminate bombing of civilians continued in 1994, killing, injuring and terrorizing them. Shortly before the Government began its 1994 offensive, it notified the United Nations that Kajo Kaji, Mundri, Nimule and four other locations were removed from the list of destinations where food aid could be safely delivered by the United Nations. This effectively meant exposing over 200,000 displaced to starvation.

11. Human Rights violations by the SPLA goes back to the early years of the civil war. They include the detention of SPLA members and commanders who oppose the leader of the SPLA, Col. Garang, or some of his policies and violations of the rules of war concerning the protection of civilians, for example the strike against a Sudan Airways plane in 1985 and the assassination of community leaders in the Nuba Mountains who refused to cooperate with SPLA,

like Chief Hussein Karbus and chief Ismaiel Ali Jeger. The greatest violations occurred, however, following the split in the SPLA in August 1991.

12. The fighting between the two groups has extracted a higher civilian damage even then the government offensives. Among the violations of the rules of war committed by the two SPLA factions are indiscriminate attacks on civilians living in the territories of the other SPLA faction, summary executions and disappearances, torture, holding prisoners in harsh conditions, pillage of civilian assets (cattle and grain) and destruction of civilian property (the burning of houses), taking food from civilians by force, capturing civilians, principally women and children, and denying unaccompanied minors the opportunity to be voluntarily united with their families.

13. The Nasir faction attacked a series of villages in the Dinka district in 1991; some 2,000 civilians lost their lives in these attacks. In mid-1992, the Torit faction attacked the Nuer territory around Ayod, including the village of Pathi which they burned to the ground. Three expatriate relief workers and a Norwegian journalist were assassinated in late 1992. The killings occurred during the fighting between Garang's forces and those of his break-away deputy William Nyuon; Garang's forces were accused of having committed the killings. Torit forces retook Kongor in March 1993. About 80 people were killed, most of them civilians. The attack disturbed the relief work and more than 200 children lost their lives as a result.

14. The veteran southern politician Martin Majier was killed in 1993 by the Garang faction. He was a political detainee for most of the time between 1985 and his death. His death was only revealed in June 1994 and the official statement of the SPLA said that he was killed while trying to escape. Mr. Achol Deng, a friend of Majier and an ambassador for the Government, described the death as "premeditated murder".

15. For the last five years the people of the Nuba Mountain of southern Kordofan have been suffering the effects of a brutal campaign carried out against them by the Government of the Sudan. The campaign includes every known form of violation: detention, disappearances, burning of villages, mass killings and others. The educated people of the Nuba Mountains have been targeted by the Government: they have been subjected to dismissal from public service, detention, extrajudicial killing, and some of them have disappeared. The main objective, of the Government's campaign is to relocate the Nuba Mountain people away from their ancestors' homeland. This has been considered by many observers as "ethnic cleansing". In pursuance of the relocation programme, villages and towns in the area were attacked by the combined forces of the military, the popular defence forces and the security forces. Mr. El Hussini, brother of the Military Governor of Kordofan and previously the Chief of Security for the region, outlined the typical operation: "It will start by besieging the area, bombarding it by artillery and then entering it with the standing order of shooting any moving thing". Those who remain will usually be taken to temporary camps around larger cities like Kadugli, Dilling and Lagowa and then they will be trucked to outside Kordofan. The villages of al-Amara, Lamdi and Um-Dorien are three of hundreds of villages which underwent the raiding process.

16. The human rights disaster continues for the fifth year, despite the efforts of the international community. We call upon the United Nations and in particular the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, to put all possible pressure on the Sudan Government to:

(a) Release all the detained persons;

(b) Stop the torture of political detainees and bring to trial those responsible for it;

(c) Abolish all laws and decrees that allow human rights violations and to issue a bill of rights allowing all Sudanese to enjoy the human rights provided for in the international instruments;

(d) Reach a peaceful solution to the armed conflict and until that settlement is attained to put all possible pressure on all parties to respect the rules of war according to the Geneva Conventions.